



**MINUTES OF A REGULAR MEETING OF THE
UPLAND PLANNING COMMISSION HELD
WEDNESDAY, MARCH 25, 2020
AT 6:30 P.M.**

CALL TO ORDER OF THE PLANNING COMMISSION REGULAR MEETING

Chair Aspinall called the Regular Meeting of the Upland Planning Commission to order in the Council Chambers of the Upland City Hall at 6:30 P.M.

PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by *Commissioner Novikov*.

Chair Aspinall welcomed *Commissioner Patrick Shim* and *Commissioner Serge Mayer* to the Planning Commission.

Commissioner Shim introduced himself as a 19-year resident of the City of Upland and spoke about his professional background.

Commissioner Mayer introduced himself as a 15-year resident of the City of Upland, spoke about his family, and professional background.

ROLL CALL

MEMBERS PRESENT: Commissioners Anderson, Mayer, Novikov, Shim, Walker, Vice Chair Schwary, and Chair Aspinall.

MEMBERS ABSENT: None.

ALSO PRESENT: Development Services Director and Planning Commission Secretary Dalquest, Contract Planning Manager Poland, Associate Planner Winter, Senior Administrative Assistant Davidson, and Deputy City Attorney Shah.

PRESENTATION

Chair Aspinall spoke about *Commissioner Brouse's* time on the Planning Commission and thanked him for his service on the Planning Commission and Airport Land Use Committee and noted the Commission will send outgoing Commissioner, *Linden Brouse* a plaque for his service to the Planning Commission.

Commissioner Anderson thanked *Commissioner Brouse* for his dedication to the City though his service on the Planning Commission.

Vice Chair Schwary thanked *Commissioner Brouse* for his service on the Planning Commission.

APPROVAL OF MINUTES

Moved by *Vice Chair Schwary*, to approve of the minutes of the Planning Commission meeting of February 26, 2020.

The motion was seconded by *Commissioner Anderson*.

The motion carried by the following vote (5-0-2):

AYES: *Commissioners Anderson, Novikov, Walker, Vice Chair Schwary, and Chair Aspinall*

NAYS: *None* ABSTAINED: *Commissioners Mayer and Shim*

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ABSENT: None

COUNCIL ACTIONS

Development Services Director Dalquest provided a brief follow up on the March 23rd City Council Meeting, noting the City Council approved the 2019 Housing Element Annual Progress Report.

Chair Aspinall inquired as to the status of recommendations the Planning Commission made to the Council, as they pertain to warehouses and the Frontier project.

In response to *Chair Aspinall's* inquiry, *Development Services Director Dalquest* indicated that a Councilmember expressed interest in having a policy discussion on warehouses and distribution centers. He indicated the warehouse discussion as well as the Frontier project are tentatively scheduled for the April 13th City Council meeting; however, there is discussion on the scheduling of items which the public would like to speak on, in light of the Governor's Executive Orders in response to the COVID-19 virus.

FUTURE AGENDA ITEMS

Contract Planning Manager Poland indicated there are two (2) items scheduled for the April 22nd Planning Commission Meeting; the Sage at 9th Phase 2 Development and Accessory Dwelling Unit regulations.

Chair Aspinall inquired as to plans for the potential lot adjacent to the CNC Motors site.

In response to *Chair Aspinall's* inquiry, *Development Services Director Dalquest* indicated that plans are being prepared for pre-development review, anticipating the project coming before the Commission later this year.

ORAL COMMUNICATIONS

Chair Aspinall stated this is the time for any citizen to comment on any items that are not listed on the agenda under "Public Hearings" but within the Planning Commission's purview. Anyone wishing to address the Planning Commission should submit a speaker card to the Planning Secretary prior to speaking. The speakers are requested to keep their comments to five (5) minutes. The use of visual aids will be included in the time limit. Under the provisions of the Brown Act, the Planning Commission is prohibited from acting on items not listed on the agenda.

Noting the City Clerk's Office did not receive any speaker requests nor were there any members of the public outside City Hall wishing to address the Commission, *Chair Aspinall* closed the oral communications.

PUBLIC HEARINGS

1. PUBLIC HEARING FOR A PROPOSED AMENDMENT (DA 20-0002) TO DEVELOPMENT AGREEMENT NO. DA 15-01 FOR "THE ENCLAVE AT UPLAND SPECIFIC PLAN".

Project Description: A proposed amendment to extend the term of Development Agreement No. 2015-01 for "The Enclave at Upland Specific Plan" for an additional one year period to July 27, 2021.

Project Location: Property is bound by Foothill Boulevard to the north and 11th Street to south. Dewey Way is located to the west and Central Avenue is located to the east. APN: 1007-051-02, 03, 04 and 1007-041-05, 06, and 07.

STAFF:	Mike Poland, Contract Planning Manager
APPLICANT:	Adam Collier, Lewis Land Developers, LLC 1156 N. Mountain Avenue Upland, CA 91784

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RECOMMENDATION:	<p>That the Planning Commission:</p> <ol style="list-style-type: none"> 1. Receive staff's presentation; and 2. Hold a public hearing and receive testimony from the public; and 3. Find that the Project requires no further environmental review under the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15162 (Subsequent EIRs and Negative Declarations); and 4. Move to adopt a Resolution recommending that the City Council approve the Amendment to Development Agreement No. 15-01 for The Enclave at Upland Specific Plan thereby extending the term to July 27, 2021, as set forth in the draft resolution dated March 25, 2020; and 5. Recommend that the City Council introduce an Ordinance approving the Amendment to The Enclave at Upland Specific Plan Development Agreement.
COUNCIL HEARING REQUIRED:	Yes
APPEAL PERIOD:	None

Contract Planning Manager Poland presented the details of the report, including previous approvals, project characteristics, land use plan, project milestones, status of the project, justification for the extension request from the Developer, and staff recommendations. He also noted a correction to the proposed Ordinance, with the heading text for the sixth line down from the top, indicating the end date should read "July 27, 2021," as it relates to the Development Agreement.

Vice Chair Schwary requested clarification on the number of units originally proposed and inquired as to what would happen should the Commission deny the request for extension.

In response to *Vice Chair Schwary's* inquiry, *Contract Planning Manager Poland* indicated there are up to 350 units allowed under the Specific Plan, and should the Commission deny the request, the project would not move forward.

Chair Aspinall requested clarification on the current number of units, phasing and Land Use Plan.

In response to *Chair Aspinall's* inquiry, *Contract Planning Manager Poland* spoke about the areas which are able to be developed, open space areas and frontage street space area. He clarified there are 192 units under pre-development review but that can change and also indicated that phasing has not been discussed as of yet.

Commissioner Walker inquired whether any stages would bypassed the Planning Commission as a result, should the Commission approve the extension.

In response to *Commissioner Walker's* inquiry, *Contract Planning Manager Poland* clarified the planning entitlements, design, and layouts will come before the Planning Commission at a later date.

Chair Aspinall clarified that the Commission's action would result in a recommendation to the City Council.

Commissioner Novikov inquired as to the project timeline.

In response to *Commissioner Novikov's* inquiry, *Contract Planning Manager Poland* clarified the procedure for preparing the project for formal planning entitlements, and indicated he did not anticipate construction would begin this calendar year.

Chair Aspinall opened the public hearing.

Adam Collier, applicant, spoke in appreciation of the Commission's consideration of his request. He cited challenges with the economy and fallout as a result of the current COVID-19 pandemic.

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Vice Chair Schwary inquired whether the applicant has acquired a builder for the project.

In response to *Vice Chair Schwary's* inquiry, *Adam Collier* indicated they do in fact have a builder, however cited a current 60-day hold period as a result of the economic climate.

Seeing no further members of the public wishing to address the Commission, *Chair Aspinall* closed the public hearing.

Commissioner Novikov suggested that the proposed one-year extension be extended as a result of the current climate.

Contract Planning Manager Poland indicated that the one (1) year period was set by the applicant, and should they request further extensions in the future, they would need to return to the Planning Commission.

Vice Chair Schwary moved to find that the Project requires no further environmental review under the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15162 (Subsequent EIRs and Negative Declarations); and moved to adopt a Resolution recommending that the City Council approve the Amendment to Development Agreement No. 15-01 for The Enclave at Upland Specific Plan thereby extending the term to July 27, 2021, as set forth in the draft resolution dated March 25, 2020; and recommended that the City Council introduce an Ordinance approving the Amendment to The Enclave at Upland Specific Plan Development Agreement, as amended with the date change indicated.

The motion was seconded by *Commissioner Anderson*.

The motion carried by the following vote: (7-0):

AYES: *Commissioners Anderson, Mayer, Novikov, Shim and Walker, Vice Chair Schwary, and Chair Aspinall*

NAYS: None ABSTAINED: None

ABSENT: None

2. PUBLIC HEARING FOR CONDITIONAL USE PERMIT NO. CUP-19-0001, DEVELOPMENT PLAN REVIEW NO. DPR-19-0002, AND ENVIRONMENTAL ASSESSMENT REVIEW NO. EAR-19-0001, FOR THE ESTABLISHMENT OF A NEW DRIVE-THROUGH RESTAURANT IN THE REGIONAL COMMERCIAL (RC) DISTRICT.

Project Description: Request to establish a new 5,001 square foot drive-through restaurant (Chick-Fil-A) within the Mountain Green Shopping Center.

Project Location: 335 S. Mountain Avenue. APN: 1008-131-04 and 1008-131-05.

STAFF:	Joshua Winter, Associate Planner
APPLICANT:	Kelsey WU PO Box 270571 San Diego, CA 92198
RECOMMENDATION:	That the Planning Commission: 1. Receive staff's presentation; and 2. Hold a public hearing and receive testimony from the public; and 3. Find that the project is Categorically Exempt from environmental proceedings pursuant to Section 15332, Class 32, in that it consists of a project characterized as in-fill development per the California Environmental Quality Act Guidelines; and 4. Move to adopt a Resolution approving Conditional Use Permit No. CUP-19-0001 and Development Plan Review No. DPR-19-0002, subject to conditions of approval as set forth in the draft resolution dated March 25, 2020.

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COUNCIL HEARING REQUIRED:	No
APPEAL PERIOD:	March 26, 2020 - April 6, 2020

Associate Planner Winter presented the details of the staff report, including project applicant, Chick-fil-A; location, land use, zoning, site plan, drive-thru circulation, architecture, landscape, operations floor plan, environmental assessment, findings, Conditions of Approval, and staff recommendation.

Chair Aspinall requested clarification on a structure adjacent to the proposed site plan and inquired as to the direction for enhanced architectural materials.

In response to *Chair Aspinall's* inquiry, *Associate Planner Winter* indicated the structure is the trash enclosure. He also provided examples of enhanced details which would be acceptable, and indicated the approval is at the discretion of the Development Services Director.

Commissioner Walker commented positively on the proposal and requested staff work with the applicant to add enhanced features along Mountain Avenue.

Commissioner Shim inquired as to project timing.

Chair Aspinall opened the public hearing.

Steve Schwartz, applicant, thanked the Commissioners and staff for the opportunity, and commended staff for their assistance with the project. He spoke about the revitalization of the site, opportunities for jobs and additional tax revenue. Additionally, he also spoke about exceeding the parking requirements, and working with the traffic consultant to address the drive-thru queue. He also indicated that the project is moving forward, while being mindful of current economic conditions.

Chair Aspinall inquired as to procedures for having associates in the drive-thru queue for expediency.

In response to *Chair Aspinall's* inquiry, *Steve Schwartz* indicated staffing is at the discretion of the individual operator, and that face-to-face ordering is used more often than not.

Commissioner Walker requested clarification as to the number of cars allowed in the drive-thru queue and the average time it takes to service each customer in the drive-thru.

In response to *Commissioner Walker's* inquiry, *Steve Schwartz* indicated the site plan allows for 15 cars within the queue, however there is still ample space on-site to keep cars from spilling over. He also indicated that cars are usually moved through the queue in a matter of minutes, however it differs from store-to-store.

Commissioner Novikov inquired as to options for ordering and designated parking for mobile pick-up orders.

In response to *Commissioner Novikov's* inquiry, *Steve Schwartz* indicated operations decisions are at the discretion of the operator, however, most operators utilize mobile pick-up orders.

Seeing no further members of the public wishing to address the Commission, *Chair Aspinall* closed the public hearing.

Commissioner Anderson spoke about the make-up of the community and spoke positively about the project.

Vice Chair Schwary spoke in support of the project.

Vice Chair Schwary moved to find that the project is Categorically Exempt from environmental proceedings pursuant to Section 15332, Class 32, in that it consists of a project characterized as in-fill development per the California Environmental Quality Act Guidelines; and moved to adopt a Resolution approving Conditional Use Permit No. CUP-19-0001 and Development Plan Review No. DPR-19-0002, subject to conditions of approval as set forth in the draft resolution dated March 25, 2020.

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The motion was seconded by *Commissioner Novikov*.

The motion carried by the following vote (7-0):

AYES: *Commissioners Anderson, Mayer, Novikov, Shim and Walker, Vice Chair Schwary, and Chair Aspinall*

NAYS: None ABSTAINED: None

ABSENT: None

BUSINESS ITEMS

- 1. A REQUEST FOR GENERAL PLAN CONFORMITY DETERMINATION TO FIND IF THE DISPOSITION OF CITY-OWNED SURPLUS LAND LOCATED AT THE SOUTHWEST CORNER OF EUCLID AVENUE AND INTERSTATE 210 AND ON THE NORTH SIDE OF LAUREL AVENUE (APNS: 1044-061-42, 43, 44 AND 45), IN REGARDS TO A POTENTIAL IN-FILL DEVELOPMENT, CONFORMS TO THE CITY OF UPLAND'S GENERAL PLAN. STAFF - MELECIO PICAZO, ECONOMIC DEVELOPMENT COORDINATOR.**

Development Services Director Dalquest provided the details of the items, and spoke about background, Government Code regulations, subject property, density range, Request for Proposals (RFP), results from the RFP, and building proposal.

Vice Chair Schwary clarified the action the Planning Commission is taking with this item.

Commissioner Anderson requested clarification on the award of the RFP.

In response to *Commissioner Anderson's* inquiry, *Development Services Director Dalquest* indicated that Crestwood has not entered escrow, however they have been selected, as they presented a full-asking price offer. He also clarified that the zoning allows for one (1) home per lot.

Development Services Director Dalquest clarified the timeline and process of the sale.

Commissioner Anderson moved to find that the determination for General Plan Conformity for the disposition of City-owned surplus property is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines; moved to find that the disposition of the City-owned surplus property located at Euclid Avenue, south of the 210 Freeway and at the terminus of Laurel Avenue is in conformity with the City of Upland General Plan; and recommended the Planning Commission find the project is Categorically Exempt from environmental proceedings pursuant to Section 15332 (In-Fill Development Projects) of the California Environmental Quality Act Guidelines, since the proposed project is consistent with applicable general plan designations and policies as well as applicable zoning designation and regulations; occurs within city limits on a property that is no more than five acres substantially surrounded by urban uses; has no value as habitat for endangered, rare or threatened species; approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site can be adequately served by all required utilities and public services.

The motion was seconded by *Vice Chair Schwary*.

The motion carried by the following vote (7-0):

AYES: *Commissioners Anderson, Mayer, Novikov, Shim and Walker, Vice Chair Schwary, and Chair Aspinall*

NAYS: None ABSTAINED: None

ABSENT: None

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COMMISSION COMMUNICATION

Vice Chair Schwary welcomed *Commissioners Mayer and Shim* to the Planning Commission.

Commissioner Anderson requested clarification on policy with regards to the public carrying weapons into the Council Chambers and Civic Center and mentioned concern with regards to the outburst during the last Planning Commission meeting.

In response to *Commissioner Anderson's* inquiry, *Development Services Director Dalquest* indicated he will follow up with the Commission on the City's policy.

ADJOURNMENT

There being no further business to come before the Planning Commission, *Chair Aspinall* adjourned the meeting at 7:35 P.M., to the regular meeting of the Planning Commission on April 22, 2020, at 6:30 P.M.

Respectfully submitted,



Robert D. Dalquest, Secretary
Upland Planning Commission